

Dec-05-2006 11:40am From-PATTON BOGGS

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DEC 05 2006



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,288	03/06/2002	Randall S. Knipp	13212.147C1	7774

24283 7590 07/28/2006

PATTON BOGGS
1660 LINCOLN ST
SUITE 2050
DENVER, CO 80264

EXAMINER

FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 07/28/2006

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JUL 31 2006

Patton Boggs LLP

Sent to docketing on 7/31

Please find below and/or attached an Office communication concerning this application or proceeding.

DEC 05 2006

Office Action Summary	Application No.		Applicant(s)	
	10/092,288		KNIPP ET AL.	
	Examiner		Art Unit	
	Michael J. Fisher		3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,076,652 to Head, III (Head) in view of US PAT 6,609,108 to Pulliam et al. (Pulliam).

As to claims 1,30, Head discloses a production system for the production of customized orders (col 12, lines 17-44) comprising: a plurality of manufacturing means (assembly lines being a plurality of manufacturing means), means for automatically activating one of the manufacturing means to implement each step in the multi-step manufacturing process (col 12, lines 45-53), computers inherently have display screens.

Head does not, however, teach means for receiving orders. The examiner takes Official Notice that it is old and well known in the art to take orders from customers.

Pulliam teaches an online ordering system (title) that can be used with a customized ordering system (fig 4B "place custom order") that includes login means for the customer (col 9, lines 28-34), product selection means (fig 4B, 420), product customization means (fig 5, 434), product order means (fig 4B, 420). It would have been obvious to one of ordinary skill in the art to modify the system as taught by Head with the customer-configuration as taught by Pulliam as Pulliam teaches this as a good way to take customized orders, which is the function of Head.

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As to claim 16, it would have been obvious to one of ordinary skill in the art to include these apparatuses as the system could be used to produce "social expression products" (greeting cards/printed stock) and further, Head discloses the system as being able to control a typewriter (col 12, line 57- col 13, line 4).

As to claims 2,3,18,31,32 Head, discloses means connected to and interconnecting the manufacturing means/modules (the assembly line) that transports partially completed pieces (inherent in an assembly line as the pieces are added to at each stop and only completed at the end of the line).

As to claims 4,33, it would be inherent that there would be means for identifying a plurality of manufacturing means necessary for completion of an order and the method used else the order could not be completed.

As to claims 5,34, it would be inherent that the manufacturing means include means to perform the function else the manufacturing means could not manufacture its stage of the product.

As to claim 6 it would be inherent that there is a means for accepting raw materials else the manufacture means would not have material from which to manufacture the product. Further, Head discloses means

As to claims 7,35,36 Head discloses means for registering that the manufacture means have received the material (24, as best seen in fig 1) in proper orientation (fig 3C, 104,108,109).

As to claims 8,37, Head does not disclose a printer, emboss apparatus, scoring apparatus, stock cutting apparatus or a stock folding apparatus. It would have been

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obvious to one of ordinary skill in the art to include these apparatuses as the system could be used to produce "social expression products" (greeting cards) and further, Head discloses the system as being able to control a typewriter (col 12, line 57- col 13, line 4).

As to claims 9,38, the amount aggregated would be the amount ordered.

As to claims 10,39, the examiner takes official notice that it is old and well known in the art to package completed merchandise for shipping. Therefore, it would have been obvious to one of ordinary skill in the art to provide means for packaging the finished product for shipping to protect the product from getting dirty or being damaged during shipping.

As to claims 11,40, the examiner takes Official Notice that it is old and well known in the art to take orders via the telephone.

Therefore, it would have been obvious to one of ordinary skill in the art to use the telephone to take orders to allow the customer to speak to a person so as to try to avoid errors.

As to claims 12,41, as the system is discloses as being for customized products (as discussed in relation to claims 1,30), it would have been obvious to one of ordinary skill in the art to allow the customer to choose customized services as this is what the system is designed to do.

As to claims 13, the design of the finished product would be that which defines which manufacture means to use.

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As to claims 14,42, as there is disclosed a means (computer) for controlling the process (as discussed in relation to claims 1,30), it would be inherent that there is means to give the computer direction and computers accept direction in data files (computer files).

As to claims 15,43,44, as the manufacture means are disclosed as being activated selectively (as discussed in relation to claims 1,30), the system would inherently have a means responsive to orders to selectively activate the manufacture means and a means to generate such files.

As to claims 17, it would be inherent that the product produced must be identified else the finished product would not be correct.

As to claim 19, if the finished product is to be printed stock, it would be inherent that the work piece be printable stock.

As to claim 20, Head discloses assuring that the workpiece is loaded correctly (104,108,109, fig 3C).

As to claim 21, Head, discloses means connected to and interconnecting the manufacturing means (the assembly line) that transports partially completed pieces (inherent in an assembly line as the pieces are added to at each stop and only completed at the end of the line) the predetermined order that which will produce the finished product properly.

As to claim 22, Head does not disclose a printer, emboss apparatus, scoring apparatus, stock cutting apparatus or a stock folding apparatus. It would have been obvious to one of ordinary skill in the art to include these apparatuses as the system

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could be used to produce "social expression products" (greeting cards) and further, Head discloses the system as being able to control a typewriter (col 12, line 57- col 13, line 4).

As to claim 23, the examiner takes official notice that it is old and well known in the art to package completed merchandise for shipping. Therefore, it would have been obvious to one of ordinary skill in the art to provide means for preparing the product for packaging so as to package the product to protect the product from getting dirty or being damaged during shipping.

As to claim 24, the examiner takes official notice that it is old and well known in the art to package completed merchandise for shipping. Therefore, it would have been obvious to one of ordinary skill in the art to provide means for packaging the finished product for shipping to protect the product from getting dirty or being damaged during shipping.

As to claim 25, the examiner takes Official Notice that it is old and well known in the art to take orders via the telephone.

Therefore, it would have been obvious to one of ordinary skill in the art to use the telephone to take orders to allow the customer to speak to a person so as to try to avoid errors.

As to claim 26, the examiner takes Official Notice that it is old and well known to take orders over the Internet. Therefore, it would have been obvious to one of ordinary skill in the art to allow a user to use a display (computer monitor) to order products to allow the manufacturer to take orders over the Internet.

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As to claim 27, as there is disclosed a means (computer) for controlling the process (as discussed in relation to claims 1,30), it would be inherent that there is means to give the computer direction and computers accept direction in data files (computer files). These would inherently be "uploaded".

As to claims 28,29, as the manufacture means are disclosed as being activated selectively (as discussed in relation to claims 1,30), the system would inherently have a means responsive to orders to selectively activate the manufacture means.

Response to Arguments

Applicant's arguments filed 5/15/06 have been fully considered but they are not persuasive. As discussed above, taking orders from customers is very well known in the art and further, as Pulliam teaches, allowing customers to customize their orders is also well known in the art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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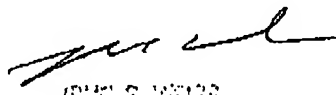
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF
7/24/06


JOHN S. WEISS
SUPERVISORY PATENT EXAMINER

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DEC 05 2006

Notice of References Cited	Application/Control No. 10/092,288	Applicant(s)/Patent Under Reexamination KNIPP ET AL.	
	Examiner Michael J. Fisher	Art Unit 3629	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,609,108	08-2003	Pulliam et al.	705/27
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.06(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
 PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 20060724

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PTO/SB/17 (07-06)

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Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004 Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4141). FEE TRANSMITTAL For FY 2006		Complete If Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number 10/092,288-Conf. #7774	Filing Date March 6, 2002
TOTAL AMOUNT OF PAYMENT (\$) 1,240.00		First Named Inventor Randall S. Krupp	Examiner Name M. J. Fisher
		Ad Unit 3629	Attorney Docket No. 013212.0147C1US

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input type="checkbox"/> Deposit Account Deposit Account Number: 50-2816 Deposit Account Name: Patton Boggs LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
Application Type	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
Fee Description							Small Entity Fee (\$)
Each claim over 20 (including Reissues)							50
Each independent claim over 3 (including Reissues)							200
Multiple dependent claims							360
Total Claims	Extra Claims	Fee (\$)	Fees Paid (\$)	Multiple Dependent Claims			
- 20 =	x	=		Fee (\$)	Fees Paid (\$)		
MP = highest number of total claims paid for, if greater than 20.							
Indep. Claims	Extra Claims	Fee (\$)	Fees Paid (\$)				
- 3 =	x	=					
MP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)			
- 100 =	50	(round up to a whole number) x					
4. OTHER FEES (\$)							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 1252 Extension for response within second month							450.00
1801 Request for continued examination (RCE) (see 37 ...)							790.00

SUBMITTED BY			
Signature	<i>James M. Graziano</i>	Registration No. (Attorney/Agent)	28,300
Name (Print/Type)	James M. Graziano	Telephone	(214) 758-1500
		Date	December 5, 2006

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PTO/SB/97 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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Application No. (if known): 10/092,288

Attorney Docket No.: 013212.0147C1US

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on December 5, 2006
Date

Elaine C Von Spreckelsen / Rebecca Gillette
Signature

Elaine VonSpreckelsen

Typed or printed name of person signing Certificate

Registration Number, if applicable

303-830-1776

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Amendment After Final Action Under 37 C.F.R. 1.116 (11 pages)
Petition for Extension of Time Under 37 CFR 1.136(a) (1 page)
Request for Continued Examination (RCE) Transmittal (1 page)
Copy of Final Office Action (10 pages)
Fee Transmittal (1 page)
Credit Card Form PTO-2038 (1 page)
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